



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,078	12/01/2003	Koji Ishii	20665-00025-US1	1726

30678 7590 01/26/2005

CONNOLLY BOVE LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON, DC 20036-3425

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/724,078	Applicant(s) ISHII ET AL.	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/188,334.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/1/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of group I in the reply filed on November 11, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 4 and 5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 11, 2004.

Drawings

Figures 9-10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because each figure does not include a proper label. For example, the second page of drawings includes three views of the invention, however, only one is properly labeled as figure 2A and the other two are improperly labeled as B and C. Therefore, it is suggested that the applicant change the label for

Art Unit: 3634

figure B to --Fig. 2B-- and change the label for figure C to --Fig. 2C-- in figure 2 and throughout the drawings, where appropriate, to avoid confusion. Additionally, the section lines in the drawings should be labeled by the figure number which shows the cross sectional view. For example, the section line labeled A-A in figure 1 should be changed to --2A-2A-- to indicate that figure 2A shows the view taken from the section line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

Art Unit: 3634

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "[t]he present invention provides" on line 1 can be easily implied and therefore should be deleted. On line 10, "[t]his is realized" on line 10 is confusing since it is unclear what "this" is referring to. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: recitations such as "A-A" on line 3 of page 16 should be changed to reflect the figure which shows the view taken from the section line. In this case, "A-A" on line 3 of page 16 should be changed to --2A-2A--.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to refer to the wire attaching features set forth in claim 2.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "the getting in/out section" on line 1 of claim 2 render the claims indefinite because they lack antecedent basis. Recitations such as "/" on line 1 of claim 2 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What is meant by the recitations "/"? Is the applicant attempting to set forth in and out or in or out? Pronouns such as "it" on line 2 of claim 2 should be replaced with the name of the elements to which the pronouns refer. Recitations such as "an upper side" on line 3 of claim 2 render the claims indefinite because it is unclear what element of the invention includes the upper side to which the applicant refers. Recitations such as "rises" on line 5 of claim 2 render the claims indefinite because it is unclear if the applicant is referring to the upward movement set forth above or is attempting to set forth another movement in addition to the one set forth above. Recitations such as "the upward and downward movement locus of the glass plate" on lines 6-7 of claim 2 render the claims indefinite because they lack antecedent basis. Recitations such as "provided inside the panel of the door" on lines 7-8 of claim 2 render the claims indefinite because it is unclear how a drive unit can be provided inside a panel since it appears that drive unit is either mounted to the panel or partially disposed

Art Unit: 3634

within the panel. Recitations such as "wires" on line 15 of claim 2 render the claims indefinite because it is unclear if the applicant is referring to the wires set forth above or is attempting to set forth wires in addition to the ones set forth above. Recitations such as "ends" on line 17 of claim 2 render the claims indefinite because it is unclear what elements include the ends to which the applicant refers. Recitations such as "at wire fixing portion . . . part of the carrier plate" on lines 20-21 of claim 2 render the claims indefinite because it is unclear if the wire fixing portion are part of the carrier plate or are in addition to the carrier plate. Recitations such as "trumpet-shaped guide portions" on line 23 of claim 2 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What comprises a "trumpet" shape? What part of a trumpet is the applicant referring to? Recitations such as "the pulley sides" on lines 23-24 of claim 2 render the claims indefinite because they lack antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3, as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi et al. in view of Medebach. Sakaguchi et al. discloses a vehicle door 10 attached to the getting in/out section of a vehicle (not shown) in a manner enabling it to open and close, comprising a window 40

Art Unit: 3634

at an upper side and a panel 13 at a lower side, further comprising: a glass plate 70 which is movable upward and downward, and closes said door window when the glass plate rises, and is housed inside said vehicle panel when the glass plate falls, guide rails 41, 42 which are arranged at the front and rear sides of the upward and downward movement locus of the glass plate and guide the glass plate, and a drive unit 65 which is provided inside the panel of the door and drives said glass plate up and down, where said drive unit for driving the glass plate up and down is provided with a base panel 55 having a plurality of pulleys 60-63 for guiding wires 67e, 67d for driving the glass plate up and down, a drum 64 for driving the wires, provided on the base panel, a carrier plate 71 constructed so as to move up and down between upper and lower pulleys while supporting a lower side of said glass plate, and wires which are laid across the plurality of pulleys provided at upper and lower positions of said base panel, partially wound around the drum for driving said wires, and fixed to said carrier plate at ends, and constructed so that the wires laid across the pulleys are moved by rotating said wire driving drum to drive the carrier plate up and down. Sakaguchi et al. is silent concerning how the wires are connected to the carrier plate 71.

However, Medebach discloses a carrier plate 16 having a wire fixing portion 11 on said carrier plate, a through hole 12 is formed in a part of the carrier plate, a free end 8 of said wire is inserted through the through hole, a stopper member 3 having a larger diameter than that of said wires are fixed to sides of the wire free end inserted through the through hole, and a trumpet-shaped guide portion 4 is formed at hole edges at the

Art Unit: 3634

pulley sides of the through holes in a condition where the penetrating wires are positioned at a center.

It would have been obvious to one of ordinary skill in art to provide Sakaguchi et al. with a tensioning device, as taught by Medebach, to ensure the wires are properly tensioned.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. TenBrink et al., Mariel et al., Fukumoto et al., Morando, Marscholl et al. Schust, Kirejczyk and Yoshimura are cited for disclosing a mechanism for attaching a cable end to a window holding element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
January 21, 2005